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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/863,576	05/23/2001	Victor Wai Leung Lee	225133600007	9378
7590	09/16/2004		EXAMINER	
BRIAN T. MCGEE, C.A. ZEIFMAN & COMPANY, LLP 201 BRIDGELAND AVENUE TORONTO, M6A 1Y7 CANADA			OPSASNICK, MICHAEL N	
			ART UNIT	PAPER NUMBER
			2655	6
DATE MAILED: 09/16/2004				

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.	Applicant(s)	
09/863,576	LEE ET AL.	
Examiner	Art Unit	
Michael N. Opsasnick	2655	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) Responsive to communication(s) filed on 23 May 2001.
2a) This action is FINAL. 2b) This action is non-final.
3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) Claim(s) 1-11 is/are pending in the application.
4a) Of the above claim(s) _____ is/are withdrawn from consideration.
5) Claim(s) _____ is/are allowed.
6) Claim(s) 1-11 is/are rejected.
7) Claim(s) _____ is/are objected to.
8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) The specification is objected to by the Examiner.
10) The drawing(s) filed on 28 September 2001 is/are: a) accepted or b) objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) All b) Some * c) None of:
1. Certified copies of the priority documents have been received.
2. Certified copies of the priority documents have been received in Application No. _____.
3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) Notice of References Cited (PTO-892)
2) Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____

4) Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
5) Notice of Informal Patent Application (PTO-152)
6) Other: _____

DETAILED ACTION

Specification

1. The title of the invention is not descriptive. A new title is required that is clearly indicative of the invention to which the claims are directed.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 1-11 are rejected under 35 U.S.C. 102(e) as being anticipated by Ramaswamy et al (6311150).

As per claim 1, Ramaswamy et al (6311150) teaches a computer implemented for speech recognition of a user speech comprising the user speech input that contains utterances from a user (col. 4 line 50 – col. 5 line 4);

“recognizing by a first language.....category” as a first language model for general category recognition (col. 7 line 9 – 45);

Art Unit: 2655

“selecting a second language.....first language model” as subcategory recognition using second translator (col. 7 lines 50-56); “recognizing with the second language.....speech input” as completing the translation with the final translator level (col. 8 lines 25-45).

As per claim 2, Ramaswamy et al (6311150) teaches a hierarchy of level 1 to level 3 translation, being more specific with increase in translation (col. 1 lines 55-65; col. 6 lines 5-65).

As per claim 3,7, Ramaswamy et al (6311150) teaches selecting the first language model to resolve the meaning of the command based on context/idioms (col. 6 lines 38-40); using the second model to further recognize the input (col. 5 lines 62-67), and using a third level language model to further specify the subcategory (col. 6 lines 62-65).

As per claim 4, Ramaswamy et al (6311150) teaches the hierarchy based on the previous category (for example, the division on Level 3 pertain to “email” -- col. 6 lines 60-65).

As per claim 5, Ramaswamy et al (6311150) teaches using models for the language recognition (col. 7 lines 40-50 ➔ examiner takes Official Notice that it is old and well known in the art of speech and language recognition to use Markov Models to perform such recognition).

As per claim 6, Ramaswamy et al (6311150) teaches the use of his invention using PDA's and emails, which can include e-commerce transactions (col. 4 lines 60-67).

As per claim 8, Ramaswamy et al (6311150) teaches the use of his invention for internet as well (email/PDA → col. 4 lines 35-45; col. 4 lines 60-65).

As per claim 9, Ramaswamy et al (6311150) teaches recognition of sentences in statement and question format (col. 6 lines 15-30, col. 7 lines 18-20); noting that a statement and a question have different ending pronunciations).

As per claim 10, Ramaswamy et al (6311150) teaches storing of certain spoken commands with the actual application (col. 9 lines 40-50).

As per claim 11, Ramaswamy et al (6311150) teaches the use of the method in communication devices, such as a pager (col. 4 lines 63-67).

Conclusion

4. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Please see related art listed on the PTO-892 form.

5. Any response to this action should be mailed to:

Commissioner of Patents and Trademarks
Washington, D.C. 20231
or faxed to:
(703) 872 9314,
(for informal or draft communications, please label "PROPOSED" or
"DRAFT")
Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive, Arlington, VA., Sixth
Floor (Receptionist).

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michael Opsasnick, telephone number (703)305-4089, who is available Tuesday-Thursday, 9am-4pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ms. Doris To, can be reached at (703)305-4827. The facsimile phone number for this group is (703)872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group 2600 receptionist whose telephone number is (703) 305-4750, the 2600 Customer Service telephone number is (703) 306-0377.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

mno
9/13/2004

Susan McFadden
SUSAN MCFADDEN
PRIMARY EXAMINER